

ProEnergy Ohio & Issue 7 Overview



State efforts

- Pro Energy attempted to change the Ohio Constitution and require the state to issue \$1.3 billion annually in bonds for 10 years for in wind, solar, geothermal, and other energy projects with approximately \$65 million dollars (per year) for “operational” expenses. The amendment banned the General Assembly from allocating these funds and gave this authority to the Ohio Energy Initiative Commission – a group of individuals behind the ballot initiative (incorporated in state of Delaware)

State efforts, cont'd

- **Certification process overview:** Pro Energy submits 1,000 signatures with the text of the proposed constitutional amendment to the Ohio Attorney General (AG). The Ohio AG then must determine whether the amendment is “fair and truthful” within 10 days. If so, the Ohio AG then submits the proposed amendment to the Ohio Secretary of State (SOS) and the Ohio Ballot Board to determine whether the amendment contains only *one* proposed constitutional change, in accordance with the Ohio Revised Code.

State efforts, cont'd

- Although Pro Energy managed to advance past the initial certification process, they failed to place the constitutional amendment before voters in all attempts. The main procedural hurdles that hindered Pro Energy from advancing the amendment include:
 - The total number of signatures on the petition must equal at least 10 percent of the total vote cast for the office of governor at the last gubernatorial election. The Secretary of State may not accept any petition for filing which does not purport to contain the minimum number of required signatures.
 - *10% of votes cast typically equates to over 300,000 signatures required.*

State efforts, cont'd

- The signatures must have been obtained from at least 44 of the 88 counties in Ohio. From each of these 44 counties, there must be signatures equal to at least 5 percent of the total vote cast for the office of governor in that county at the last gubernatorial election.

State efforts, cont'd

- The group attempted and failed 5 times to get their proposal in front of voters, typically for lack of valid signatures
- Clean Energy Proposed Amendment 1: February 2012
 - AG: certified.
 - Ohio Ballot Board: certified.
 - Failed: Never submitted the 385,247 signatures required
- Clean Energy Proposed Amendment 2: November 2013
 - AG: certified.
 - Ohio Ballot Board: certified.
 - Failed: In May 2014, Revised ballot language was submitted to the AG, requiring 1,000 new signatures to be submitted in order for the AG to re-certify. Only 836 of the signatures submitted were deemed valid.

State efforts, cont'd

- Clean Energy Proposed Amendment 3: July 2014
 - AG: certified.
 - Ohio Ballot Board: certified.
 - Failed: the number of signatures did not exceed the required amount.
- Clean Energy Proposed Amendment 4: November 2015
 - AG: certified
 - Ohio Ballot Board: certified.
 - However, the Ballot Board ruled that the amendment contained two constitutional changes, therefore requiring it to be split into two separate ballot initiatives.
 - It appears Pro Energy fixed the issue that split the amendment into two ballot initiatives, resulting in the below March 2016 amendment submission.

State efforts, cont'd

- Clean Energy Proposed Amendment 5: March 2016
 - AG: certified.
 - Ohio Ballot Board: certified.
 - Failed: Only about 40,000 signatures were collected of the 305,591 needed to put the amendment on the ballot.

Local efforts

- ProEnergy began their first effort to get on the ballot locally in 2017, with a petition for an initiated ordinance that would use \$57 million of the City's budget to subsidize clean energy efforts in Columbus.
- It is much less difficult to get such an initiative on the ballot at the local level, as many fewer signatures are needed.
- However, in this first effort, ProEnergy did not submit any signatures within the allowed timeframe.

Local efforts, cont'd

- In 2019, however, ProEnergy submitted a new pre-circulation petition with the Clerk, this time with \$87 million in asks from the City budget.
- There were issues with the petition as to form, however, and was found not legally sufficient. ProEnergy made their third attempt in 2020, and again, the petition was found not sufficient.
- ProEnergy then sued for the City's refusal to place the initiated ordinance on the ballot.

Local efforts, cont'd

- The case ended up at the Ohio Supreme Court: on April 29, 2021, the Court decided 5-2 that it would require Council to “to find the petition sufficient and proceed with the process for an initiated ordinance”
- Council then passed ordinances to find the petition legally sufficient and placed proposed ordinance on the November 2021 ballot, where it was assigned as Issue 7

Issue 7

- **Overview:** \$87 million for green energy efforts
- Energy Conservation and Energy Efficiency Fund - \$10 million
- Clean Energy Education and Training Fund - \$10 million
- Minority Business Enterprise Clean Energy Development Fund - \$10 million
- Columbus Clean Energy Partnership Fund - \$57 million for subsidies to electricity customers

Issue 7, cont'd

- There was a concerted campaign against Issue 7, with little to no effort to promote the ordinance from the proponent side.
- Mayor Ginther, Councilmembers, and other electeds often cited the detriment the ordinance would be on the City budget, as the proposal was more than the yearly budget for the entirety of Columbus Public Health and other city departments.
- Community stakeholders, environmental groups, and media outlets such as The Dispatch called the effort a scam that would seize city tax revenue for a plan with few details.

Issue 7, cont'd

- On November 2, 2021, Issue 7 was defeated resoundingly
 - Yes: 13.51%
 - No: 86.49%
- ProEnergy, however, has already filed a pre-circulation copy for another initiated ordinance, that presumably is in circulation now.

Questions or Comments?

Thank you!

THE CITY OF
COLUMBUS
CHARTER REVIEW
COMMISSION